

**MANDATE**

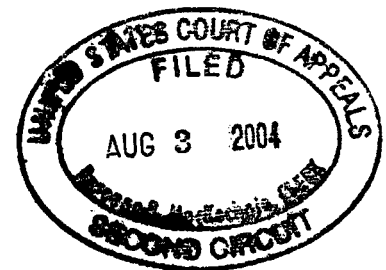
E.D.N.Y. 16KMY  
99-cv-3999  
99-cv-7037  
Weinstein, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, at Foley Square, in the City of New York, on the 3rd day of August Two Thousand and Four,

Present:

Hon. John M. Walker, Jr.,  
*Chief Judge,*  
Hon. Barrington D. Parker, Jr.,  
Hon. Richard C. Wesley,  
*Circuit Judges.*



National Association for the Advancement of Colored  
People, Inc.,

Plaintiff-Appellee,

v.

03-9346-cv

Acusport Corp., *et al.*,

Defendants-Appellants,

The Appellee moves to dismiss the appeal. The Appellants move for summary disposition requesting this Court to vacate the "unnecessary findings" within the district court's July 2003 order. Upon due consideration, it is ORDERED that the motion to dismiss is granted. *Allstate Ins. Co., v. A.A. McNamara & Sons, Inc.*, 1 F.3d 133, 137 (2d Cir. 1993); *In re DES Litig.*, 7 F.3d 20, 23-25 (2d Cir. 1993). It is FURTHER ORDERED that the motion for summary disposition is denied as moot.

FOR THE COURT:  
Roseann B. MacKechnie, Clerk

By:

*Lucille Carr*

A TRUE COPY  
Roseann B. MacKechnie, CLERK

by *[Signature]*  
DEPUTY CLERK

CERTIFIED

10/7/04